



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

AUG 09 2012

Mr. James Moore, P.E., Manager
Water Quality Assessment Section (MC-150)
Texas Commission on Environmental Quality (TCEQ)
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Moore:

The Environmental Protection Agency (EPA) has completed its technical review of site-specific aluminum criterion, which was submitted to EPA for review. The site-specific criterion applies to a portion of Phillips Ditch. According to §307.4(h)(3) of the 2000 *Texas Surface Water Quality Standards* (TX WQS), Phillips Ditch is an unclassified, tidally-influenced, water body with no significant aquatic life use. EPA guidance allows states to develop site-specific criteria for waters for which default water quality criteria may not be appropriate.

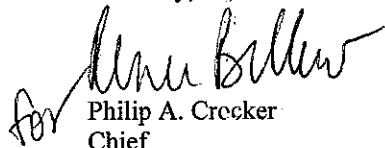
Under Texas Pollutant Discharge Elimination System (TPDES) Permit No. 04119, the Akzo Nobel Chemical - Battleground facility is authorized to treat and discharge wastewater to Phillips Ditch, thence to Santa Anna Bayou in segment 1005 of the San Jacinto-Brazos Coastal Basin. A water effects ratio (WER) study was performed using laboratory water and the facility's effluent to determine if a site-specific water quality criterion for aluminum would be more appropriate than the statewide aluminum criterion.

Our review of the final WER study indicates that the statewide criterion for aluminum may be adjusted to account for site-specific physical and chemical interactions that mitigate the toxicity of aluminum to aquatic organisms. The methodology used to determine the site-specific criterion is consistent with EPA's 1994 WER guidance for metals and with the previously-approved WER provision in §307.6(c)(9) of the TX WQS. A final WER of 3.93 for total aluminum was calculated from the geometric mean of four individual WERs derived from toxicity tests conducted on an invertebrate species (*Ceriodaphnia dubia*).

Based on our technical review of the final study, the 2010 TX WQS criterion for aluminum and the resulting WER of 3.93, EPA has determined that a site-specific freshwater acute criterion of 3,895 µg/L is approvable. However, in order for EPA to take a formal approval action under §303(c) of the Clean Water Act, fulfillment of the public participation requirements found at 40 CFR Part 25 for this site-specific water quality standards revision is necessary. In order to fulfill these requirements and to complete TCEQ's water quality standards submission, we request that TCEQ submit to EPA a copy of the public notice for this site-specific water quality standards revision, along with any comments received during the public comment period (or documentation that no comments were received). The public participation process may be completed through the TPDES permitting process, as noted in §307.6(c)(9) of the TX WQS.

If you have any questions, please call me at (214) 665-6644 or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,


Philip A. Crecker
Chief

Watershed Management Section (6WQ-EW)

cc: Michael Pfeil, TCEQ - Water Quality Assessment Section (MC-150)
Monica Baez, TCEQ - Wastewater Permitting Section (MC-148)
Debbie Miller, TCEQ - Standards Group (MC-234)